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10
11 IN THE UNITED STATES DISTRICT COURT
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13 EASTERN DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,

15 Plaintiff,

v.

16 DANIEL ANDREW WALKER,

17 Defendant.

CASE NO. 2:19-CR-234-DJC

18 STIPULATION TO VACATE TRIAL DATE AND
SET CHANGE OF PLEA HEARING; ORDER

19 DATE: December 7, 2023

TIME: 9:00 a.m.

COURT: Hon. Daniel J. Calabretta

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28 **STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for trial on January 29, 2024, with a trial confirmation hearing set for December 7, 2023. ECF No. 87. The Court ordered that time be excluded under Local Code T4, up to and including the trial date. *Id.*

2. By this stipulation, the parties now move to vacate the trial date and to set this matter for a change of plea hearing on December 7, 2023, before this Court.

3. The parties have reached a resolution in this case, which has been memorialized in a written agreement, thereby removing the need for trial.

4. Because defense counsel intends to use the time between now and December 7, 2023, to prepare their client for the change of plea hearing and to otherwise continue his review and investigation of the discovery for the purposes of plea and sentencing, the exclusion of time under Local Code T4

1 remains appropriate.

2 5. The government does not object to maintaining the current exclusion of time under Local
3 Code T4 up to and including December 7, 2023, based on defense counsel's representations.

4 6. Nothing in this stipulation and order shall preclude a finding that other provisions of the
5 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
6 must commence.

7 IT IS SO STIPULATED.

8 Dated: December 1, 2023

PHILLIP A. TALBERT
United States Attorney

9 Dated: December 1, 2023

/s/ JAMES R. CONOLLY
JAMES R. CONOLLY
Assistant United States Attorney

/s/ DOUGLAS BEEVERS
DOUGLAS BEEVERS
CHRISTINA SINHA
Assistant Federal Defenders
Counsel for Defendant
DANIEL ANDREW WALKER

ORDER

17 The Court, having read the foregoing stipulation of the parties, and adopting the representations
18 therein, orders as follows:

- 19 1. The matter is set for a change of plea hearing on December 7, 2023, at 9:00 a.m., before
20 this Court.
21 2. The trial date of January 29, 2024, and the trial confirmation hearing date of December 7,
22 2023, are vacated.
23 3. The exclusion of time under Local Code T4, currently running through January 29, 2024,
24 by prior order of this Court, will remain in place.

25 IT IS SO FOUND AND ORDERED this 4th day of December, 2023.

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE